

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE MILES, SR.,

Plaintiff,

v.

ANNE MARIE SCHUBERT, et al.,

Defendants.

No. 2:21-cv-00989 KJM AC P

ORDER

Plaintiff, a former county jail inmate proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 23, 2023, the magistrate judge issued findings and recommendations, which were served on plaintiff, and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 17. Plaintiff has not filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007)

1 ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the
2 district court and [the appellate] court. . . .").

3 Having reviewed the file, the Court finds the findings and recommendations to
4 be supported by the record and by the proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations issued January 23, 2023 (ECF No. 17),
7 are ADOPTED in full;
- 8 2. This matter is DISMISSED without leave to amend for failure to state a claim
9 (see 28 U.S.C. 1915A(b)(1));
- 10 3. Plaintiff's motion to compel (ECF No. 23) is DENIED as moot.
- 11 4. This case is CLOSED.

12
13 IT IS SO ORDERED.

14 Dated: April 14, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE